

<b>CONVERSATION RECORD</b>		TIME: 9:45	DATE: Feb. 26, 2014
Type:            Visit                    Conference            Telephone:   X           Incoming                    Outgoing   X Location of Visit/Conference:			
NAME: Gerald Achatz		ORGANIZATION: Achatz Consulting	TELEPHONE NO. (620) 282-9086
SUBJECT: Oil Drilling Operation located within the channel of the Smoky Hill River in Logan County, Kansas			
<p>SUMMARY: In two emails dated November 20, 2014 Gerald Achatz requested a jurisdictional determination for the McGuire A1 drill site. Mr. Achatz requested a review area of 100 feet in all directions of the coordinates Lat: 38.819744 Long: -100.924557. On November 26, 2014 I contacted Mr. Achatz by phone and advised him that the coordinated that he provided was located in the uplands. However the low area located to the north, within the 100 foot radius of the provided coordinate, is a potential wetland. He was advised that we could do a Preliminary Jurisdictional Determination and call it a wetland or they could have a wetland delineation done and we could do an Approved Jurisdictional Determination based on those findings. He was advised that at this time we cannot provide him with a letter that indicates that a Corps permit is not required for this drill site.</p> <p>I advised him that if he wanted to move forward with the permitting process he needed to complete an ENG 4345 application form and submit it to this office with the appropriate drawings and documents.</p>			
ACTION REQUIRED: Email an ENG 4345 application to Mr. Achatz.			
NAME: Steven Whetzel		SIGNATURE:	DATE: Nov 26, 2014
ACTION TAKEN:			
SIGNATURE:		TITLE:	DATE:

CONVERSATION RECORD CONTINUATION SHEET

## FIELD INVESTIGATION REPORT

<b>Permit No.</b> NWK-2014-01416	<b>Date:</b> November 4, 2014
<b>Applicant: Black Tea L.L.C.</b> Gerald Achatz Achatz Consulting  <b>Telephone Number:</b> (620) 282-9086	
<b>Property Owner:</b> <b>Address:</b> <b>Telephone Number:</b>	
<b>Project Location:</b>  Sec 19, Township 14 South, Range 32 West, Logan Co., Kansas	
<b>Coordinates:</b> Lat. 38.8197, Long. -100.9245	<b>Waterway:</b> Smoky Hill River
<b>Activity Type:</b>  <input type="checkbox"/> Fill <input type="checkbox"/> Excavation <input type="checkbox"/> Structural	<b>Site Type:</b>  <input checked="" type="checkbox"/> River/Stream <input checked="" type="checkbox"/> Wetland <input type="checkbox"/> Other W.U.S.
<b>Authority:</b>  <input type="checkbox"/> 10 <input checked="" type="checkbox"/> 404 <input type="checkbox"/> 10/404	<b>Impacts:</b>  Acreage:                      Length of channel:
<b>Date(s) of inspection:</b>	<b>Date(s) of activity:</b>
<b>Technical Aspects</b> [If more than one site, separate site information.]	
Fill volume:	Type of material:
Dimensions of excavation/fill:  Below OHWM:  Riverward of OHWM:	
Equipment used:	

**Tulloch II Considerations:**

Describe the extent of fill activities (i.e. material originating from outside waters of the U.S. that was placed into waters of the U.S.):

Describe the extent of dredged material discharge (i.e. material originating from the waters of the U.S. that was returned to waters of the U.S. - this includes stockpiles, windrows and other equipment spillage):

For any discharge of dredged material described in No. 2 above, discuss a) the distance between the excavation point and discharge point; b) the time differential between when the material was dredged and when it was discharged, and how long the discharge remained in place; and c) if the work occurred in dry or flowing conditions, and if subsequent flows moved any of the material:

**Activity Status:**

☒ Proposed

☐ Complete

☐ Ongoing

% complete

**Activity purpose:**(As stated by applicant/violator):

**Narrative:** At the request of Chris Neeley, Kansas Corporation Commission, I met onsite to view a proposed new drill site for Black Tea L.L.C. (McGuire A1). Based on the June 30, 2014 aerial flight and as well as the drift line shown in photo 4, the Corps has determined that the proposed drill site (McGuire A1) shown in photo 2 is located in the uplands. However it is believed that the low area shown in photos 1, 2 & 4 is a potential wetland and a delineation will be required of this area.



Photo 1 - Photo taken from high bank on north side. Arrow indicates area of potential wetland.



Photo 2 – Top arrow is identifying the stake marking the proposed drill site (McGuire A1). The bottom arrow indicates area of potential wetland.



Photo 3 – Photo taken looking north towards high bank.



Photo 4 – Photo taken by Luke Cory on April 29, 2014. Arrow indicated drift line from previous high flow events. The stake in the ground marked by the upper arrow is identified as site #2 in the aerial photo shown below.



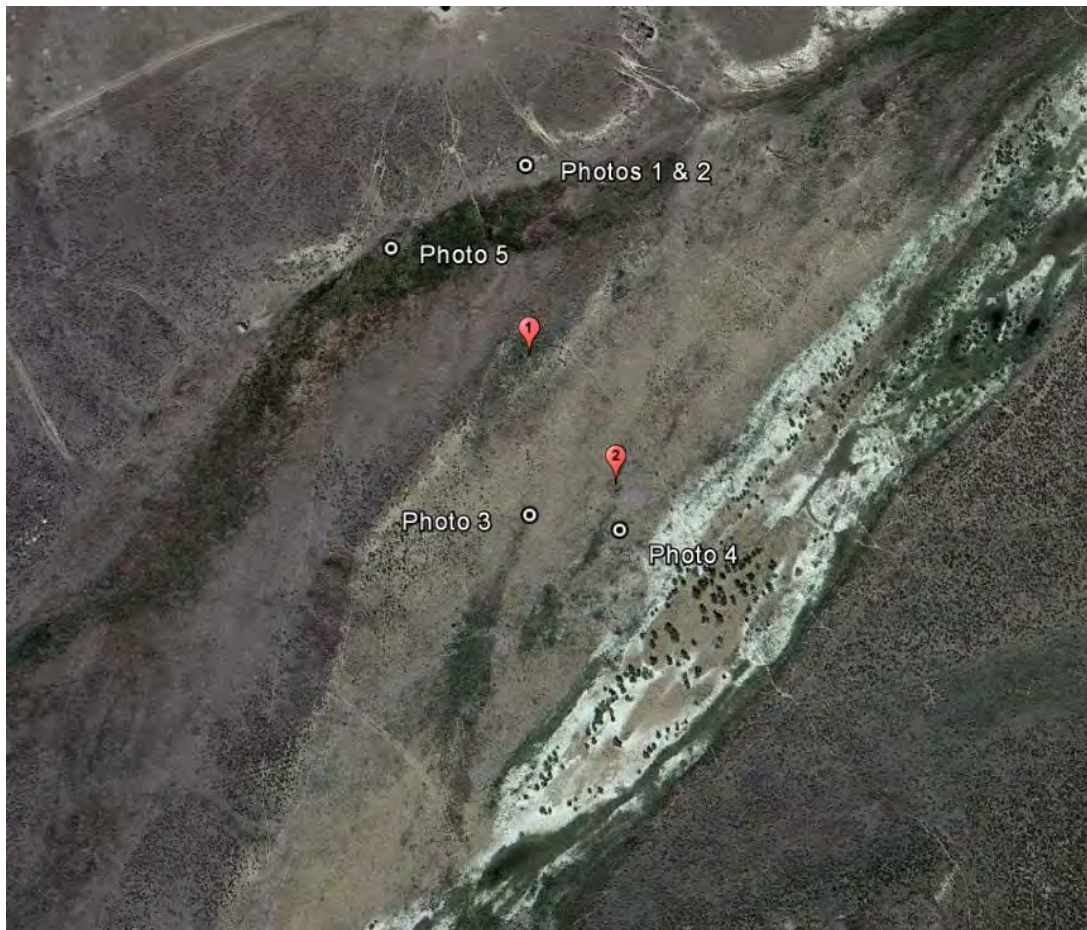


Photo 4 – Photo taken by Luke Cory on April 29, 2014. Arrow indicates area of potential wetland.



June 30, 2014 aerial photo –





November 26, 2014 aerial photo –

<b>Attachments</b> [Check mark all that apply. See instructions for labeling attachments.]	
<b>Maps:</b> <input type="checkbox"/> Quad <input checked="" type="checkbox"/> Aerial <input type="checkbox"/> Other	
<b>Photos:</b> Number 5 <input type="checkbox"/> Hardcopy <input type="checkbox"/> P:/drive	
<input type="checkbox"/> Drawings  <input type="checkbox"/> Wetland Data Sheets	Other attachments (Specify):
<b>Project Manager: Steven Whetzel</b>  <b>Signature:</b> <div style="float: right;"><b>Date:</b></div>	

## Whetzel, Steven M NWK

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**From:** Gerald Achatz [geraldachatz@gmail.com]  
**Sent:** Thursday, November 20, 2014 8:31 AM  
**To:** Whetzel, Steven M NWK  
**Subject:** [EXTERNAL] Re: Corps of Engineers (UNCLASSIFIED)  
**Attachments:** McGuire A1 Spot Details (1).pdf

Here is a map of location site

On Thu, Nov 20, 2014 at 8:28 AM, Gerald Achatz <[geraldachatz@gmail.com](mailto:geraldachatz@gmail.com)> wrote:

Let me know if you received this message. Also for Black Tea Oil the McGuire A #1 drill site I am requesting a determination on drill location.

We will need a one acre location that will be 100' in each direction of stake. After drilling well and after completion of well location we will build up and secure any problems that may occur.

Thanks for your help

Gerald

On Wed, Nov 19, 2014 at 2:32 PM, Whetzel, Steven M NWK <[Steven.M.Whetzel@usace.army.mil](mailto:Steven.M.Whetzel@usace.army.mil)> wrote:

Classification: UNCLASSIFIED  
Caveats: NONE

Steven Whetzel  
Regulatory Specialist  
Kanopolis Regulatory Field Office  
785-546-2130 (Voice)  
785-546-2050 (FAX)

<http://www.nwk.usace.army.mil/Missions/RegulatoryBranch.aspx>

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Complete our Regulatory Service Survey at:

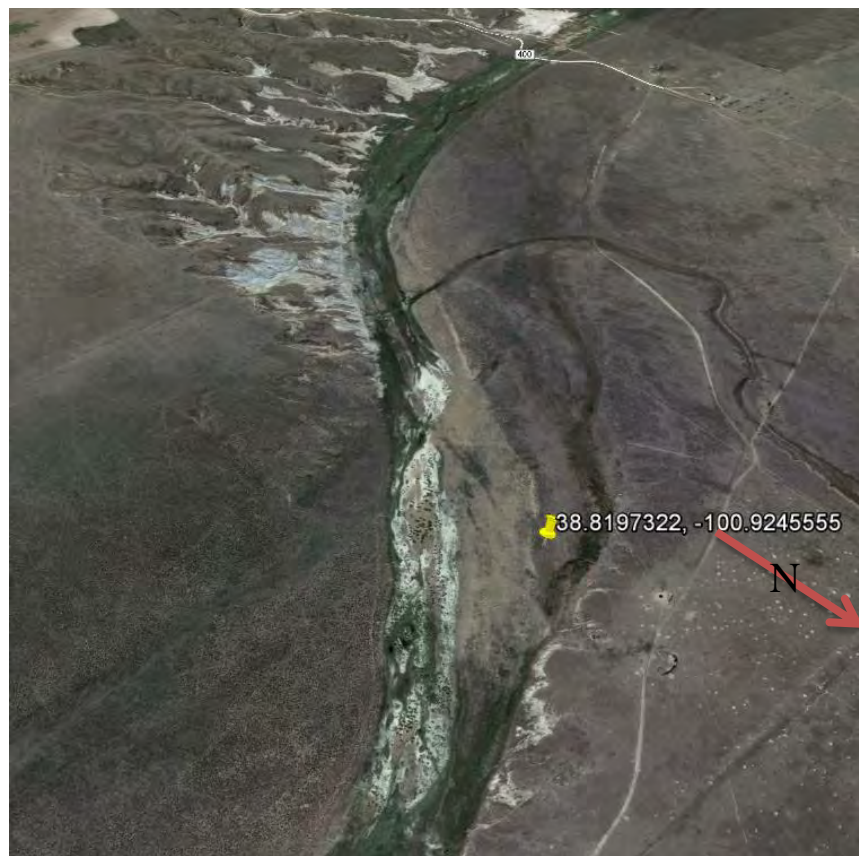
[http://corpsmapu.usace.army.mil/cm\\_apex/f?p=regulatory\\_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey)

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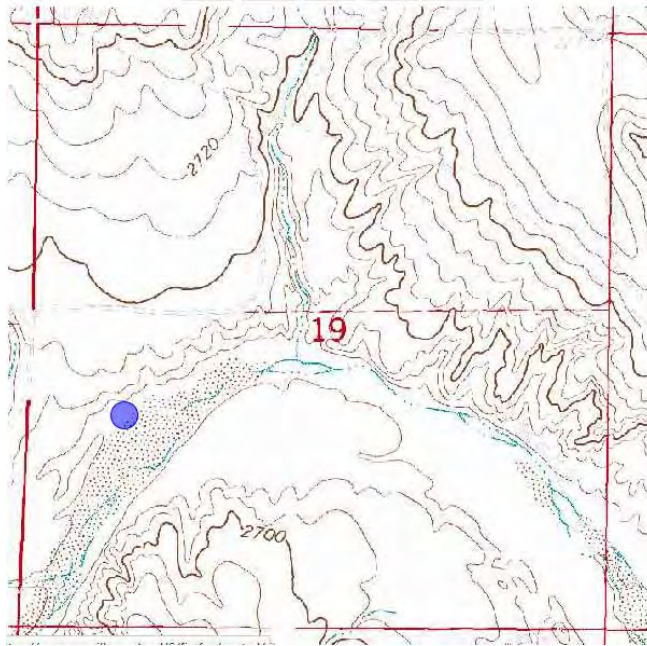
Classification: UNCLASSIFIED  
Caveats: NONE

Aerial Photo

2012 2010 2006 2002 Topo







Operator		Submitter Contact Info	
Name	Black Tea Oil, LLC	Name	Christopher Leiker
Address	1011 Centennial Blvd. Ste B Hays KS 67601-	Address	AL
License	34639	Phone	785-259-8701
Contact	Drue Herl	Email	matter396@yahoo.com
Phone	785-628-6078		
Email			

Pit Details		Pit Location		Liner	
Pit Type	Drilling	Quarter Calls	NW SE NW SW	Artificial Liner	No
Pit Proposed or Existing	Proposed	Section	19-14S-32W	How Pit Is Lined	Mud
Pit Capacity BBLs	1000	Footage	1860 FSL, 880 FWL		
In Sensitive Ground Water Area	Yes	County	Logan		
Bottom Below Ground Level	Yes				
Steel Pit	No				
Length x Width x Depth (feet)	70 x 75 x 5				

Fresh Water		Nearest Water Well		Drilling Pit	
Depth To Shallowest Fresh Water	10	Submitted Distance	2470	Drilling Material Used	Fresh Water Mud
	<input type="checkbox"/> Measured	Submitted Depth	35	Number Of Working Pits Used	3
Source of Information	<input type="checkbox"/> Well Owner	Calculated Distance	2470	Abandonment Procedure	Keep fluid below 2' of grond,
	<input type="checkbox"/> Electric Log	Calculated Depth	35		
	<input checked="" type="checkbox"/> KDWR				

Attachments	
OPERATOR	Plat/Map/Survey <a href="#">View PDF</a>
<a href="#">Add Attachment</a>	

## WWC5 Records: Five Closest Wells & All Public Water Supplies Within a Mile

Dist *	Dist **	Dist ***	Type	Status	Depth	Water Lvl	Owner	WWC5
2470 ft		2465ft	Domestic	CONSTRUCTED	35 ft	29 ft	McGuire, James	<a href="#">PDF</a>

\* This distance is calculated using geographic tools and a PLSS data layer.

\*\* This distance is calculated using the pythagorean theorem and assuming that the section is exactly 5280 feet square. Also, if the water well is within a mile of the well spot, but is in a neighboring section, then this distance is not calculated.

\*\*\* This distance is calculated using UTM coordinates.

Latitude = 38.8197322 Longitude = -100.9245555

DMS Lat 38° 49' 11.03" Lon -100° 55' 28.39"

Deg MM.mm Lat 38° 49.1839' Lon -100° 55.4733'

UTM Northing = 4298531.81 Easting = 332920.47 Zone = 14



## Whetzel, Steven M NWK

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**From:** Gerald Achatz [geraldachatz@gmail.com]  
**Sent:** Thursday, November 20, 2014 8:29 AM  
**To:** Whetzel, Steven M NWK  
**Subject:** [EXTERNAL] Re: Corps of Engineers (UNCLASSIFIED)  
**Attachments:** img125.pdf

Let me know if you received this message. Also for Black Tea Oil the McGuire A #1 drill site I am requesting a determination on drill location. We will need a one acre location that will be 100' in each direction of stake. After drilling well and after completion of well location we will build up and secure any problems that may occur.

Thanks for your help  
Gerald

On Wed, Nov 19, 2014 at 2:32 PM, Whetzel, Steven M NWK <[Steven.M.Whetzel@usace.army.mil](mailto:Steven.M.Whetzel@usace.army.mil)> wrote:

Classification: UNCLASSIFIED  
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Steven Whetzel  
Regulatory Specialist  
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\*\*\*\*\*

Complete our Regulatory Service Survey at:

[http://corpsmapu.usace.army.mil/cm\\_apex/f?p=regulatory\\_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey)

\*\*\*\*\*

Classification: UNCLASSIFIED  
Caveats: NONE

\*Ingress and egress to location as shown on this plat is per usage only and may not be legally opened for public use. Contact landowner, tenant and county road department for access.

*ROAD*

ROAD

GATE  
(OPEN)

*NO*

## PASTURE

*NO*

ROAD

19

McGuire "A" #1

1777' FSL 872' FWL

Ground Elevation = 2670

$$Y = 190557 \quad X = 1166971$$

State Plane-NAD 27-Kansas North  
(Mapping Grade GPS Used)

Latitude 38.819744

*Longitude* -100.924557

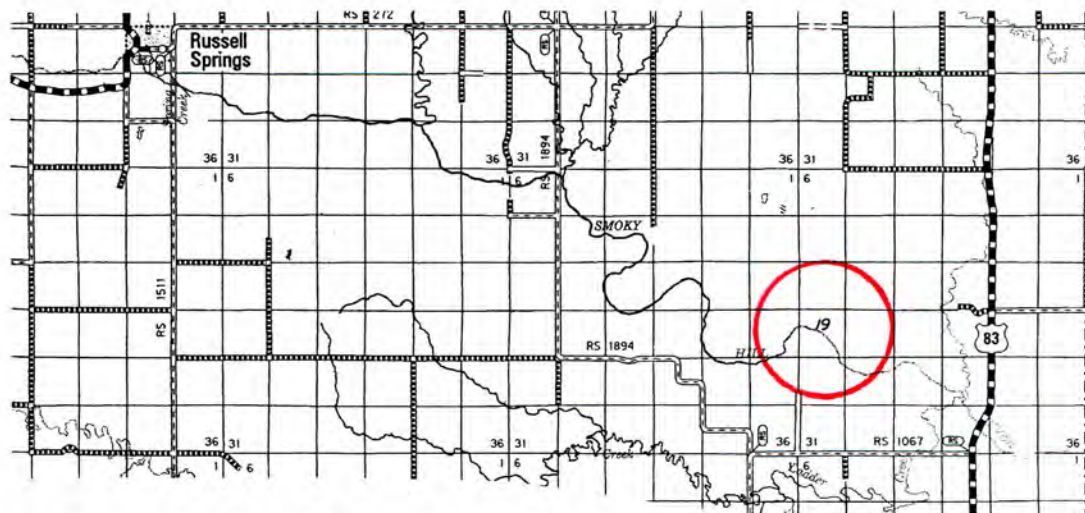
WGS 84-NAD 83

ROAD

NO

SCALE 1" = 1000'

C.K.S.M.



\* Controlling data is based upon the best maps and photographs available to us and upon a regular section of land containing 640 acres.

Approximate section lines were determined using the normal standard of care of oilfield surveyors practicing in the state of Kansas. The section corners, which establish the precise section lines, were not necessarily located, and the exact location of the drillsite location in the section is not guaranteed. Therefore, the operator securing this service and accepting this plat and all other plat material, hereby agrees to hold Central Kansas Oilfield Services, Inc., its officers and employees harmless from all losses and expenses and said entities released from any liability from incidental or consequential damages.

\* Elevations derived from National Geodetic Vertical Datum.

Date October 29, 2014

**CENTRAL KANSAS OILFIELD SERVICES, INC. (620)792-1977**